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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

M 11 -0874

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UNITED STATES OF AMERICA

- against -

ANTHONY MCDONALD,

Defendant.

COMPLAINT AND AFFIDAVIT
IN SUPPORT OF APPLICATION
FOR ARREST WARRANT

(T. 8, U.S.C., §§
1326(a) and 1326(b)(2))

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EASTERN DISTRICT OF NEW YORK, SS:

MARK COZINE, being duly sworn, deposes and states that he is a Special Agent with United States Homeland Security Investigations ("HSI"), duly appointed according to law and acting as such.

On or about December 29, 2010, within the Eastern District of New York and elsewhere, the defendant ANTHONY MCDONALD, an alien who had previously been arrested and convicted of an aggravated felony, and was thereafter removed from the United States and who had not made a re-application for admission to the United States to which the Secretary of the United States

Department of Homeland Security had expressly consented, was found in the United States.

(Title 8, United States Code, Section 1326(b)(2)).

The source of your deponent's information and the grounds for his belief are as follows:¹

1. I am a Special Agent with HSI and have been involved in the investigation of numerous cases involving the illegal re-entry of aliens. I am familiar with the facts and circumstances set forth below from my participation in the investigation; my review of the HSI investigative file, including the defendant's criminal history record; and from reports of other law enforcement officers involved in the investigation.

2. On or about December 29, 2010, the defendant ANTHONY MCDONALD, a citizen of Jamaica, was arrested by the New York City Police Department ("NYPD") in Queens, New York for Forgery in the Second Degree, Possession of a Forged Instrument in the Second Degree, Tampering with Public Records in the First Degree, Identity Theft in the First Degree and Offering a False Instrument to File.

¹ Because the purpose of this Complaint is to set forth only those facts necessary to establish probable cause to arrest, I have not described all of the relevant facts and circumstances of which I am aware.

3. HSI officials determined that on or about January 29, 1988, the defendant ANTHONY MCDONALD pled guilty in the Eastern District of Virginia to Possession with Intent to Distribute Fifty Grams or More of a Substance Containing Cocaine Base in violation of 21 U.S.C. 841(a)(1). This crime is an aggravated felony for which the defendant was sentenced to a term of imprisonment of ten years.

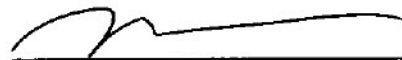
4. HSI officials also determined that on or about November 23, 1993, the defendant ANTHONY MCDONALD was removed from the United States pursuant to an Order of Removal dated June 29, 1993. Thereafter, the defendant ANTHONY MCDONALD was again found in the United States and was subsequently convicted in the District of Maryland of illegal re-entry after commission of an aggravated felony on August 13, 1999. The defendant was sentenced to 46 months' imprisonment, and he was subsequently removed from the United States on May 25, 2002 pursuant to a reinstatement of the June 29, 1993 Order of Removal.

5. An HSI official with fingerprint analysis training compared the fingerprints taken by the NYPD upon the defendant's December 29, 2010 arrest; the fingerprints taken in connection with the defendant's November 23, 1993 removal; and the fingerprints taken in connection with the defendant's arrest in connection with his January 29, 1988 conviction, and determined

that all three sets of fingerprints were made by the same individual.

6. A search of Department of Homeland Security records revealed that there exists no request by the defendant ANTHONY MCDONALD for permission from either the United States Attorney General or the Secretary of the Department of Homeland Security to re-enter the United States after removal.

WHEREFORE, Your deponent respectfully requests that an arrest warrant be issued for the defendant ANTHONY MCDONALD, so that he may be dealt with according to law.



MARK COZINE
Immigration Enforcement Agent
United States Immigration and
Customs Enforcement

Sworn to before me this
26th day of January, 2011

(THE HONORABLE ROANNE L. MANN
UNITED STATES MAGISTRATE JUDGE
EASTERN DISTRICT OF NEW YORK